



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,605	04/22/2004	Michael L. O'Banion	0275A-000749	6857

7590 11/01/2007
Harness, Dickey and Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
----------	--------------

3724

MAIL DATE	DELIVERY MODE
-----------	---------------

11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/829,605	Applicant(s) O'BANION ET AL.	
	Examiner Omar Flores-Sánchez	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-14,20,22,23 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,5-8,10-14,20,22,23 and 47 is/are rejected.
- 7) ☒ Claim(s) 4 and 44-46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/06/07 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 is indefinite because first and second side curtains are not independently move in response to a force applied by a workpiece, since both are attached together by first and second couplers (28 and 30) (see specification, page 5, lines 6-8, where the couplers provide for co-dependent movement of the side curtains).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 5 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Peot et al. (2004/0255745 A1).

Peot et al. discloses (Fig. 1-12) the invention including:

- Claim 1; a support structure 22; and a guard assembly 10 for guarding a blade 16 on said table saw 12, said guard assembly including a hood assembly including a first side curtain 38, a second side curtain 40, and a quick release mechanism (26 and 48), said quick release mechanism coupled to said first and second side curtains (see Fig. 5, the holes 46 used to engage the side curtains) and selectively engaged with said support structure to provide for selective engagement between said support structure and said entire hood assembly (see Fig. 9, how the entire hood assembly disengage from the support structure 22), said quick release mechanism including a locking member 54 and a resilient biasing member (50 and 52), said locking member being displaceable between engaged and disengaged positions, said locking member coupling said guard assembly to said support structure when in said engaged position (see Fig. 5) and said guard assembly being removable from said support structure when said locking member

Art Unit: 3724

is in said disengaged position (see Fig. 9), said biasing member urging said locking member into engagement with said support structure (see col. 3, paragraph 0029, the pin 54 is secured in the dogleg portion by the pressure exerted by the bent section 52).

- Claim 2; the support structure includes a riving knife 22 (see paragraph 0023, line 1).
- Claim 5; a locking mechanism 44.
- Claim 8; said first and second side curtains (38 and 40) are moveable in accordance with said engagement of said locking mechanism 44 (see Fig. 2, 4, where the studs 44 are movable in pivot manner in accordance with the holes 46).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peot et al. (2004/0255745 A1) in view of Sartori (6,578,460 B2).

Peot et al. discloses the claimed invention except that a screw and wing nut instead of stud ends 44. Sartori shows that a screw 62 and wing nut 68 is equivalent structure known in the art. Therefore, because these two connecting elements were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to

Art Unit: 3724

substitute stud ends for the screw and wing nut for the purpose of better attaching the side curtains.

8. Claims 7, 12 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peot et al. (2004/0255745 A1) in view of Hammond (2,163,320).

Peot et al. discloses the invention substantially as claimed except for first and second side curtains independently moving in response to a force applied by a workpiece. However, Hammond teaches the use of first and second side curtains 51 for the purpose of having a curtain to adapt itself to workpiece of various thicknesses and effectively enclosing the saw not matter what the elevation of the guard may be. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Peot et al. by providing the first and second side curtains as taught by Hammond in order to obtain a device that has a curtain to adapt itself to workpiece of various thickness and effectively enclosing the saw. Regarding claim 12, the side curtains of Hammond are capable being removed independently. Regarding claim 47, the side curtains of Hammond are independently moveable relative to the support structure 46 (see col. 3, lines 65-73).

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peot et al. (2004/0255745 A1) in view of Lantz (1,465,224).

Peot et al. discloses the invention substantially as claimed except for first and second couplers. However, Lantz teaches the use of first 38 and second 37 couplers for the purpose of facilitating the assembly between the side curtains by making separable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have

Art Unit: 3724

modified the device of Peot et al. by providing the first and second couplers as taught by Lantz in order to obtain a device that facilitates the assembly between the side curtains by making separable.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peot et al. (2004/0255745 A1) in view of Lantz (1,465,224).

The modified device of Peot et al. discloses the claimed invention except for a female snap-fit connector and a male snap-fit connector. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Peot et al. by providing the female snap-fit connector and the male snap-fit connector, since the Examiner takes Official Notice of the equivalence of the female snap-fit connector and the male snap-fit connector and the pin 37 and recess 38 for their use in the connection art and the selection of any of these known equivalents to attaching the curtains would be within the level of ordinary skill in the art.

11. Claims 13, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peot et al. (2004/0255745 A1) in view of Hammond (2,163,320).

Peot et al. discloses (Fig. 1-12) the invention substantially as claimed including a support structure 22; and a guard assembly 10 for guarding a blade 16 on said table saw 12, said guard assembly including a hood assembly including a first side curtain 38, a second side curtain 40, and a quick release mechanism (26 and 48), said quick release mechanism coupled to said first and second side curtains (see Fig. 5, the holes 46 used to engage the side curtains) and selectively engaged with said support structure to provide for selective engagement between said

Art Unit: 3724

support structure and said entire hood assembly (see Fig. 9, how the entire hood assembly disengage from the support structure 22), said quick release mechanism including a locking member 54 and a resilient biasing member (50 and 52), said locking member being displaceable between engaged and disengaged positions, said locking member coupling said guard assembly to said support structure when in said engaged position (see Fig. 5) and said guard assembly being removable from said support structure when said locking member is in said disengaged position (see Fig. 9), said biasing member urging said locking member into engagement with said support structure (see col. 3, paragraph 0029, the pin 54 is secured in the dogleg portion by the pressure exerted by the bent section 52). Peot et al. doesn't show first and second side curtains are independently removable from the hood assembly. However, Hammond teaches the use of first and second side curtains 51 for the purpose of having a curtain to adapt itself to workpiece of various thicknesses and effectively enclosing the saw not matter what the elevation of the guard may be. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Peot et al. by providing the first and second side curtains as taught by Hammond in order to obtain a device that has a curtain to adapt itself to workpiece of various thickness and effectively enclosing the saw (see col. 3, lines 65-73). Regarding claim 13, the side curtains of Hammond are capable being removed independently from the hood assembly 33 by removing the pins 53. Regarding claim 14; Peot et al. teaches the support structure including a riving knife 22 (see paragraph 0023, line 1). Regarding claim 20, the side curtains of Hammond are independently moveable relative to the support structure 46 (see col. 3, lines 65-73).

Art Unit: 3724

12. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peot et al. (2004/0255745 A1) in view of Vogl et al. (3,249,134).

Peot et al. discloses (Fig. 1-12) the invention substantially as claimed including a support structure 22; a guard assembly 10 for guarding a blade 16 on said table saw 12, said guard assembly including a hood assembly connected to said support structure and including a mounting member 26, a first side curtain 38 and a second side curtain 40; and a second locking assembly for selectively removing said mounting member from said support structure, said second locking assembly including a quick release mechanism (50, 52 and 54) for providing selective engagement between said support structure and said entire hood assembly, said quick release mechanism including a locking member 54 and a resilient biasing member (50 and 52), said locking member being displaceable between engaged and disengaged positions, said locking member coupling said guard assembly to said support structure when in said engaged position (see Fig. 5) and said guard assembly being removable from said support structure when said locking member is in said disengaged position (see Fig. 9), said biasing member urging said locking member into engagement with said support structure (see col. 3, paragraph 0029, the pin 54 is secured in the dogleg portion by the pressure exerted by the bent section 52). Peot et al. doesn't show a first locking assembly for independently and selectively removing each of said first and second side curtains from said mounting member and first and second side curtains each being independently connected to the mounting member. However, Vogl et al. teaches the use of a first locking assembly (36 ad 42) and, first and second side curtains (32 and 35) independently connected to the mounting member for the purpose of effectively enclosing the saw. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

Art Unit: 3724

have modified the device of Peot et al. by providing the first and second side curtains as taught by Vogl et al. in order to obtain a device that effectively encloses the saw. The first locking assembly of Vogl et al. is capable of independently and selectively removing each of said first and second side curtains from said mounting member by using a screwdriver to loose the screws. Regarding claim 23; Peot et al. teaches the support structure includes a riving knife 22 (see paragraph 0023, line 1).

Allowable Subject Matter

13. Claims 4 and 44-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

14. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ofs

10/17/2007



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER